

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION - COLUMBUS**

In Re:) Case No 08-58592
)
Rocky A. DeVito and) Judge C. Kathryn Preston
Pamela S. DeVito,)
)
Debtors.)

**DEBTORS EMERGENCY MOTION FOR AN EXPEDITED HEARING ON THE
MOTION TO RECONSIDER DENIAL OF CONFIRMATION AND DISMISSAL OF
CASE and WAIVER OF REQUIREMENT TO FILE MEMORANDUM OF LAW**

Now come the Debtors, Rocky & Pamela DeVito, by and through counsel, and do hereby move this court for an Expedited Hearing on the Motion To Reconsider Denial Of Confirmation and Dismissal of the Case and Waiver Of Requirement To File Memorandum Of Law in connection with the above-captioned Chapter 13 bankruptcy, seeking entry to shorten the applicable notice and objection period for said Motion. In support, the Debtor does state the following:

**EMERGENCY MOTION FOR AN EXPEDITED HEARING ON THE MOTION TO
EXTEND THE AUTOMATIC STAY**

1. The Debtors move this Court for reconsideration of its denial of confirmation and dismissal of the case.
2. The Debtors' believe the denial of confirmation and dismissal of their case was unjust.
3. Further, the Debtors' believe this action is meritorious and will be successful in their prosecution of the Motion To Reconsider.
4. However, until this Court hears the merits of their motion and rules, they are without the benefits of the protection of the Bankruptcy Court.
5. The Debtors face repossession of their vehicles and fear any other actions their creditors may

take against them if the Court did not entertain expediting the hearing on the Motion To Reconsider.

6. Pursuant to Rule 9013-1(a) of the Local Rules for the United States Bankruptcy Court for the Southern District of Ohio (hereinafter referred to as the “Local Rules”), any interested party has twenty (20) days from the filing of a motion and date noticed to respond to it, unless otherwise ordered by this Court.
7. Pursuant to Local Rule 2002-1 and Rule 9006 of the Federal Rules of Bankruptcy Procedure (hereinafter referred to as the “FRBP”), the Debtors move this court for an Order shortening the applicable notice period on the Motion To Reconsider (hereinafter referred to as the “Motion”) to ten (10) days.
8. Due to the necessity to shorten the period for objection, and the need to hold the hearing as soon as is practicable it is necessary to shorten the notice period to ten (10) days.
9. The Debtors respectfully request this Court to enter an Order shortening the notice period and the period for filing an objection or otherwise respond to the Debtors’ Motion and require that any such response to the Debtors’ Motion be filed with the Clerk of this Court and served upon all parties prior to the hearing date.
10. A motion for an expedited hearing is necessary in order to ensure that a hearing is held as soon as is practicable or before any creditors take any adverse actions against the Debtors’, including repossession.

WAIVER OF REQUIREMENT TO FILE MEMORANDUM OF LAW

11. The Debtors submit that this Motion For Expedited Hearing does not present a novel issue of law requiring briefing and that sufficient cause for the hearing exists within the Motion, itself.

12. Therefore, the Debtors' moves this Court for waiver of the requirements set out in Local Rule 9013-1 which requires a separate memorandum in support of this motion.

WHEREFORE, the Debtors pray this Court hold hearing on the Motion To Extend The Automatic Stay on or before November 25, 2009, that the Court issue an Order shortening the notice period and time to respond, requiring that a response to the Motion To Reconsider be filed and/or served on all interested parties before the hearing date and for any other relief this Court deems just and proper.

Respectfully Submitted,

THE ROMANO LAW FIRM

/s/ Joseph M. Romano

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Counsel for the Debtors

CERTIFICATE OF SERVICE

A copy of the foregoing Motion For Expedited Hearing on Debtors' Motion To Reconsider Denial of Confirmation and Dismissal of Case was either sent electronically or via regular U.S. mail on the 12th day of November, 2009, upon the following parties:

Asst. U.S. Trustee (Col.)
at ustpre09.cb.ecf@usdoj.gov

Frank M. Pees, Chapter 13 Trustee
at trustee@ch13.org

American Honda Finance Corp.
PO Box 1844
Alpharetta, GA 30023-1844

Beneficial
Customer Service
1123 West 5th Avenue
Marysville, OH 43040

Capital One
c/o eCast Settlement Corporation
PO Box 35480
Newark, NJ 07193-5480

Citifinancial, Inc.
Bankruptcy Department
PO Box 140489
Irving, TX 75014-0489

Citizens Financial Services, Inc.
124 West 5th Street
Marysville, OH 43040

Discover Financial Services, LLC
PO Box 3025
New Albany, OH 43054-3025

GE Money Bank/Lowe's
Attn: Bankruptcy Department
PO Box 103104
Roswell, GA 30076

Home Depot
Credit Services
PO Box 689100
Des Moines, IA 50368-9100

Honda Federal Credit Union
17655 Echo Drive
Marysville, OH 43040

Honda Manufacturing 401(k) Savings

c/o T.Rowe Price
PO Box 17349
Baltimore, MD 21297-1349

HSBC Bank Nevada - Rhodes, Inc.
Bass & Associates, PC
3936 E. Ft. Lowell Road, Suite 200
Tucson, AZ 85712

HSBC Mortgage Services
c/o Moss Codilis
PO Box 21188
Saint Paul, MN 55121-4201

Washington Mutual
Card Services
PO Box 660509
Dallas, TX 75266-0509

Wells Fargo Financial
4137 121st Street
Urbandale, IA 50323

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